

INTERNATIONAL COOPERATION TREATY

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

To:

United States Patent and Trademark
Office
(Box PCT)
Crystal Plaza 2
Washington, DC 20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing:

12 November 1998 (12.11.98)

International application No.:

PCT/IB98/00662

Applicant's or agent's file reference:

PC9808A/7647

International filing date:

01 May 1998 (01.05.98)

Priority date:

05 May 1997 (05.05.97)

Applicant:

LUNDY, Kristin, Marie et al

1. The designated Office is hereby notified of its election made:



in the demand filed with the International preliminary Examining Authority on:

23 September 1998 (23.09.98)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was



was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer:

J. Zahra

Telephone No.: (41-22) 338.83.38

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PC9808A/7647	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/IB 98/ 00662	International filing date (day/month/year) 01/05/1998	(Earliest) Priority Date (day/month/year) 05/05/1997
Applicant PFIZER INC. et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. ☐ Certain claims were found unsearchable (see Box I).

2. ☐ Unity of invention is lacking (see Box II).

3. ☐ The international application contains disclosure of a **nucleotide and/or amino acid sequence listing** and the international search was carried out on the basis of the sequence listing

☐ filed with the international application.

☐ furnished by the applicant separately from the international application,

☐ but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in the international application as filed.

☐ Transcribed by this Authority

4. With regard to the **title**, ☒ the text is approved as submitted by the applicant

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this International Search Report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is:

Figure No. ☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

INTERNATIONAL SEARCH REPORT

national Application No

PCT/IB 98/00662

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A61K31/40

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	LASCELLES ET AL: "POSTOPERATIVE ANALGESIC AND SEDATIVE EFFECTS OF CARPROFEN AND PETHIDINE IN DOGS" VETERINARY RECORD, vol. 134, no. 8, 19 February 1994, LONDON, pages 187-191, XP002071350 cited in the application see abstract ----- -/--	1-14

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

13 July 1998

Date of mailing of the international search report

29/07/1998

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Herrera, S

INTERNATIONAL SEARCH REPORT

national Application No

PCT/IB 98/00662

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	VASSEUR ET AL: " RANDOMIZED, CONTROLLED TRIAL OF THE EFFICACY OF CARPROFEN, A NON-STEROIDAL ANTI-INFLAMMATORY DRUG, IN THE TREATMENT OF OSTEOARTHRITIS IN DOGS" JOURNAL OF THE AMERICAN VETERINAY MEDICAL ASSOCIATION, vol. 206, no. 6, 15 March 1995, USA, pages 807-811, XP002071351 cited in the application see abstract	1-14
X	HOLTSINGER ET AL: "THE THERAPEUTIC EFFECT OF CARBPROFEN (RIMADYL-V) IN 209 CLINICAL CASES OF CANINE DEGERATIVE JOINT DISEASE" VETERINARY AND COMPARATIVE ORTHOPAEDICS AND TRAUMATOLOGY, vol. 5, 1992, NEW YORK, USA, pages 140-144, XP002071352 cited in the application see abstract	1-14
X	MCKELLAR ET AL: "PHARMACOKINETICS, TOLERANCE AND SERUM THROMBOXANE INHIBITION OF CARPROFEN IN THE DOG" JOURNAL OF SMALL ANIMAL PRCTICE, vol. 31, 1990, pages 443-448, XP002071353 cited in the application see abstract	1-14
X	EP 0 280 887 A (HOFFMANN LA ROCHE) 7 September 1988 see page 3, column 3, line 22-32; claims 6,10	1-14
X	US 3 896 145 A (BERGER LEO ET AL) 22 July 1975 cited in the application see column 15, line 1-25; claims 7,8	1-14

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/IB 98/00662

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0280887	A	07-09-1988	AU 599198 B	12-07-1990
			AU 1076688 A	04-08-1988
			CA 1319886 A	06-07-1993
			DE 3867502 A	20-02-1992
			DK 4088 A	04-08-1988
			IE 61068 B	21-09-1994
			JP 2645427 B	25-08-1997
			JP 63201133 A	19-08-1988
			US 4882164 A	21-11-1989
			ZA 8800562 A	03-08-1988
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US 3896145	A	22-07-1975	AR 205331 A	30-04-1976
			AT 325607 B	27-10-1975
			AU 475534 B	26-08-1976
			AU 5839073 A	23-01-1975
			BE 802596 A	21-01-1974
			CA 1026348 A	14-02-1978
			CH 587819 A	13-05-1977
			DD 107681 A	12-08-1974
			DE 2337340 A	14-02-1974
			DK 138537 B	25-09-1978
			FI 59244 B	31-03-1981
			FR 2193611 A	22-02-1974
			GB 1385620 A	26-02-1975
			HK 49878 A	08-09-1978
			JP 1150945 C	14-06-1983
			JP 49043973 A	25-04-1974
			JP 57040144 B	25-08-1982
			KE 2847 A	30-06-1978
			LU 68071 A	11-04-1975
			NL 7310275 A,B,	28-01-1974
			SE 402283 B	26-06-1978
			SE 7605813 A	22-05-1976
			ZA 7304047 A	27-03-1974
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NOTICE INFORMING THE APPLICANT OF THE
COMMUNICATION OF THE INTERNATIONAL
APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

From the INTERNATIONAL BUREAU

To:

SPIEGEL, Allen, J.
c/o Mark Charles Green
Urquhart-Dykes & Lord
91 Wimpole Street
London W1M-8AH
ROYAUME-UNI

Date of mailing (day/month/year) 12 November 1998 (12.11.98)		
Applicant's or agent's file reference PC9808A/7647		IMPORTANT NOTICE
International application No. PCT/IB98/00662	International filing date (day/month/year) 01 May 1998 (01.05.98)	Priority date (day/month/year) 05 May 1997 (05.05.97)
Applicant PFIZER INC. et al		

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:

AU, BR, CA, CN, EP, IL, JP, KP, KR, NO, PL, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:

AL, AM, AP, AT, AZ, BA, BB, BG, BY, CH, CU, CZ, DE, DK, EA, EE, ES, FI, GB, GE, GH, HU, ID, IS, KE, KG, KZ,
LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NZ, OA, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR,
TT, UA, UG, UZ, VN, YU, ZW

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 12 November 1998 (12.11.98) under No. WO 98/50033

REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer J. Zahra
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

INTERNATIONAL SEARCH REPORT

In .ational Application No
PCT/IB 98/00662

A. CLASSIFICATION OF SUBJECT MATTER
IPC 6 A61K31/40

According to International Patent Classification(IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

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☒ Further documents are listed in the continuation of box C.

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"O" document referring to an oral disclosure, use, exhibition or other means
"P" document published prior to the international filing date but later than the priority date claimed

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"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
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"&" document member of the same patent family

Date of the actual completion of the international search

13 July 1998

Date of mailing of the international search report

29/07/1998

Name and mailing address of the ISA
European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl.
Fax: (+31-70) 340-3016

Authorized officer

Herrera, S

INTERNATIONAL SEARCH REPORT

In ternational Application No

PCT/IB 98/00662

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

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X	--- US 3 896 145 A (BERGER LEO ET AL) 22 July 1975 cited in the application see column 15, line 1-25; claims 7,8	1-14

INTERNATIONAL SEARCH REPORT

Information on patent family members

Int. l. Application No

PCT/IB 98/00662

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
EP 0280887	A	07-09-1988	AU 599198 B	12-07-1990
			AU 1076688 A	04-08-1988
			CA 1319886 A	06-07-1993
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			IE 61068 B	21-09-1994
			JP 2645427 B	25-08-1997
			JP 63201133 A	19-08-1988
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			AU 5839073 A	23-01-1975
			BE 802596 A	21-01-1974
			CA 1026348 A	14-02-1978
			CH 587819 A	13-05-1977
			DD 107681 A	12-08-1974
			DE 2337340 A	14-02-1974
			DK 138537 B	25-09-1978
			FI 59244 B	31-03-1981
			FR 2193611 A	22-02-1974
			GB 1385620 A	26-02-1975
			HK 49878 A	08-09-1978
			JP 1150945 C	14-06-1983
			JP 49043973 A	25-04-1974
			JP 57040144 B	25-08-1982
			KE 2847 A	30-06-1978
			LU 68071 A	11-04-1975
			NL 7310275 A, B.	28-01-1974
			SE 402283 B	26-06-1978
			SE 7605813 A	22-05-1976
			ZA 7304047 A	27-03-1974
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PATENT COOPERATION TREATY

PCT

REC'D 13 AUG 1999

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

09/308955 (PCT Article 36 and Rule 70)

Applicant's or agent's file reference PC9808A/76477	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IB98/00662	International filing date (day/month/year) 01/05/1998	Priority date (day/month/year) 05/05/1997
International Patent Classification (IPC) or national classification and IPC A61K31/40		
Applicant PFIZER INC. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

SEP 22 1999



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 23/09/1998	Date of completion of this report 11.08.99
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. (+49-89) 2399-0 Tx: 523656 epmu d Fax: (+49-89) 2399-4465	Authorized officer Herrera, S Telephone No. (+49-89) 2399 8464 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/IB98/00662

I. Basis of the report

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

Description, pages:

1-69 as originally filed

Drawings, sheets:

1-14 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
☒ claims Nos. 1-4.

because:

- ☒ the said international application, or the said claims Nos. 1-4 relate to the following subject matter which does not require an international preliminary examination (*specify*):

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB98/00662

see separate sheet

- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☐ no international search report has been established for the said claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims
	No:	Claims 1-14
Inventive step (IS)	Yes:	Claims
	No:	Claims 1-14
Industrial applicability (IA)	Yes:	Claims 5-14
	No:	Claims 1-4

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IB98/00662

It is pointed out that the discovery of the mode of action cannot establish novelty of the subject-matter according to the present claims.

The mode of action is considered a discovery and as such not patentable, since it is considered as lacking susceptibility for industrial application.

3. To combine a known medicament with other known medicaments can only be inventive - if at all novel - if the combination results in unexpected or surprising effects, something which has not been shown in the present case. Therefore if the applicant would be able to show that some part of the application does relate to novel patentable subject-matter, an objection of grounds of lack of inventive step would arise (Art 33 (3) PCT).
4. It is not at present apparent which part of the application could serve as a basis for a new, allowable claim. Should the applicant nevertheless regard some particular matter as patentable an independent claim including such matter should be filed taking account of Rule 6.3b PCT.
The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof